

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

THERESA VICTORY, <i>et al.</i>	:	CIVIL ACTION
	:	
v.	:	NO. 18-5170
	:	
BERKS COUNTY, <i>et al.</i>	:	


ORDER

AND NOW, this 8th day of July 2019, upon considering Defendants' Motion for summary judgment (ECF Doc. No. 146), Plaintiffs' Response (ECF Doc. No. 163), Defendants' Reply (ECF Doc. No. 171), and for reasons in the accompanying Memorandum, it is **ORDERED** Defendants' Motion (ECF Doc. No. 146) is **GRANTED in part** and **DENIED in part**:

1. Defendants' Motion is **GRANTED** in part requiring we dismiss Plaintiffs' claims for: violation of the Equal Rights Amendment under the Pennsylvania Constitution; retaliation against Theresa Victory by Warden Quigley, Deputy Warden Smith, Sergeant Spotts and Correctional Officers Reichart, Zerr and Brown; punitive damages; and, differing privileges based upon the available programming offered to female Trusty inmates at the Berks County Jail compared to male Trusty inmates at the Community Reentry Center;

2. Defendants' Motion is otherwise **DENIED** as there are genuine issues of material fact precluding the entry of judgment in Defendants' favor on the Plaintiffs' remaining sex discrimination claims for injunctive relief and damages; and,

3. We **dismiss** Sergeant Spotts and Correctional Officers Reichart, Zerr and Brown.



KEARNEY, J.